

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF TENNESSEE

2011 DEC 14 PM 3:19
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

JOSEPH G. TROWERY)
Plaintiff,)
)
) Civil Action No.
v.)
DOLLAR TREE STORES INC.,)
CARL CAIN,)
Defendants.)

COMPLAINT

Comes now the Plaintiff, Joseph G. Trowery, by and through his attorney and files this complaint, stating claims for relief as follows:

I. JURISDICTION AND VENUE

1.2 This is an action under the laws of the United States of America, in particular Title VII of the Civil Rights Act of 1964, as amended and in violation of the Equal Pay Act.

1.3 The jurisdiction of this Court is invoked pursuant to the provisions of Title VII, 42 USCA 2000e-2 (a) and 2000e-3(a) and the general civil jurisdictional provisions of 28 USCA 1343(a)(4).

1.4 Plaintiff was given a right to sue letter by the EEOC on September 16, 2011.

II. NATURE OF THE ACTION AND RELIEF SOUGHT

2.1 This is an employment discrimination case by an employee alleging a series of discriminatory conduct against him because of his race and having complained about unlawful discrimination to his superiors at his employer.

2.2 Plaintiff seeks a declaration that the acts of the Defendants intentionally and unlawfully discriminated against him because of his gender and in retaliation for notifying his superior about the unlawful treatment, and the Defendant seeks lost pay, compensatory and punitive damages.

III. The Parties

3.1 Joseph G. Trowery, Plaintiff, is an African American adult male citizen of the United States and the State of Tennessee, and all times material to this action was an employee of the Defendant, Dollar Tree Stores, Inc.

3.2 Defendant Dollar Tree Stores, Inc. is a company with its headquarters at 500 Volvo Parkway, Chesapeake, VA 23320, that operates retail stores in the State of Tennessee and throughout the Middle District of Tennessee. Its registered agent for service is CT Corporation System 800 S. Gay Street, Suite 2021, Knoxville, TN 37929. Dollar Tree Stores is the appropriate entity to be named as a defendant in an action involving the acts, inactions and omissions of its agents, servants and employees.

3.3 Defendant Carl Cain is a former employee with Dollar Tree Stores, Inc. and is believed to be a resident of the State of Tennessee. His address for service is 7316 Smoky Hill Road, Antioch, TN 37013.

IV. FACTS

- 4.1 Plaintiff was hired by the Defendant Dollar Tree Stores, Inc. as a District Manager.
- 4.2 Plaintiff was subsequently assigned to a region where his immediate supervisor was the Defendant Carl Cain.
- 4.3 While employed for the Defendant Dollar Tree Stores, Inc. Defendant Carl Cain informed Plaintiff that he was to refrain from socializing with white people, generally, but specifically other Dollar Tree Stores, Inc. employees. Plaintiff was told by Carl Cain that he would be punished if the behavior continued.
- 4.4 Defendant Carl Cain on numerous occasions require the Plaintiff to meet with him privately away from the workplace where the Defendant Carl Cain repeatedly made racially derogatory remarks about white people. Plaintiff's wife is white.
- 4.5 Defendant Carl Cain was the regional manager for the Defendant Dollar Tree Stores, Inc. who supervised the Plaintiff.
- 4.6 After the Plaintiff objected to the racial harassment, Plaintiff was fired under false pretenses after following the specific instructions of his supervisor.
- 4.7 White employees were not disciplined for socializing with minority employees.

4.8 Plaintiff was discriminated against by both Defendants because he was black and because he refused to discriminate against employees because of their race.

4.9 Prior to his termination, Plaintiff reported Carl Cain's acts to Human Resources and Defendant Carl Cain informed Plaintiff that is one of the reasons that he would retaliate against Plaintiff.

4.10 Said conduct constitutes discrimination based upon Plaintiff's race.

4.11 Defendant Carl Cain began a systematic pattern of harassment by repeatedly making racial remarks and threats after Plaintiff reported Carl Cain to Human Resources.

4.12 On August 29, 2009, Defendant Carl Cain and Defendant Dollar Tree Stores, Inc. terminated Plaintiff's employment.

V. CLAIM FOR RELIEF

5.1 Employment Discrimination pursuant to the Civil Rights Act of 1964 as amended.

Defendant Carl Cain and Dollar Tree Stores, Inc. discriminated against the Plaintiff because he was an African American by making racially derogatory remarks about other races and by punishing Plaintiff for associating with other races while not punishing other employees for the same conduct and retaliated for reporting the discrimination all in violation of Title VII of Civil Rights Act of 1964 as amended in 1991. Plaintiff was wrongfully terminated because of his race.

VI. PRAYER

Accordingly, Plaintiff prays that the Defendants be cited to appear and answer in this action and that upon the evidence, finding of the jury and applicable law, the Court enter judgment:

- 6.1 That process be issued to and served upon the Defendants.
- 6.2 That the Defendant be ordered to pay all of the Plaintiff's discretionary costs and other recoverable costs and expenses.
- 6.3 Declaring that the Defendants discriminated against the Plaintiff by discriminating against her in his employment because he is a minority.
- 6.4 Awarding Plaintiff back pay and compensatory damages not to exceed \$1,000,000.00.
- 6.5 Awarding Plaintiff punitive damages to be set by the jury.
- 6.6 Awarding Plaintiff a reasonable attorney fee and the cost and expenses of this action.
- 6.7 That a jury of 12 be impaneled to resolve all causes described in the above-styled action.
- 6.8 All other relief to which Plaintiff shows himself entitled at law or equity.

JURY TRIAL DEMAND

The Plaintiff requests a jury trial on all questions of fact raised by her Complaint.

Respectfully submitted,



J. Stephen Mills #19835

PO Box 281077

Nashville, TN 37228-1 077

615-366-0690

Attorney for Plaintiff